

## **Fact Sheet**

### **Recycled Water and Water Rights**

#### **Will My Water Rights Be Affected By Using Recycled Water?**

**NO.**

Several sections of the California Water Code (Water Code) confirm that existing **water rights are not lost, reduced or affected by when the water-right holder uses recycled water instead of using the supply under his water right.** Below are summaries of these Water Code Sections:

##### **Water Code Section 1010**

The cessation of or reduction in the use of water under any existing water right as a result of the use recycled water is deemed equivalent to a reasonable beneficial use of the same amount of water under the existing water right. Accordingly, no existing water right will be reduced or lost to the extent that recycled water is used instead of water under the existing water right. Further, the use of recycled water in lieu of surface water is equivalent to maintaining that right and shall constitute beneficial use.

##### **Water Code Section 13050**

“Recycled water” means water which, as a result of treatment of waste, is suitable for a direct beneficial use or a controlled use that would not otherwise occur and is therefore considered a valuable resource.

##### **Water Code Section 13550**

Certain conditions must be met before the State Water Resources Control Board (SWRCB) can require a right holder to accept recycled water. The recycled water must be of adequate quality for the purposes for which it will be used, be furnished at a reasonable cost to the water user, not be detrimental to public health, and not adversely affect downstream water rights or the environment. The SWRCB is responsible for making a determination on each of these conditions and may not require such use until after proper notice and opportunity for a hearing.

##### **Water Code Section 13551**

Potable water shall not be used for nonpotable uses if suitable recycled water is available. The use of recycled water constitutes beneficial use under any existing water right.

### **Reporting Use of Recycled Water**

When the holder of an appropriative water-right permit or license uses recycled water in lieu of diverting and using water under his appropriative water right, he should report the amount of such recycled water use in the annual permittee progress reports or triennial license reports that he files with the SWRCB. Otherwise, he may not claim the benefits of the above statutes.